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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 UNITED STATES OF AMERICA,)

CASE NO. 17-MJ-01208-2

11 Plaintiff,)

ORDER OF DETENTION

12 v.)

13
14 Cuthbert Cardinal James

15 Defendant.)
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17 I.

18 A. () On motion of the Government in a case allegedly involving:

19 1. () a crime of violence.

20 2. () an offense with maximum sentence of life imprisonment or death.

21 3. ☒ a narcotics or controlled substance offense with maximum sentence
22 of ten or more years.

23 4. () any felony - where the defendant has been convicted of two or more
24 prior offenses described above.

25 5. () any felony that is not otherwise a crime of violence that involves a
26 minor victim, or possession or use of a firearm or destructive device
27 or any other dangerous weapon, or a failure to register under
28 18 U.S.C § 2250.

1 B. ☒ On motion by the Government / () on Court's own motion, in a case
2 allegedly involving:

3 ☒ On the further allegation by the Government of:

4 1. ☒ a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

6 a. () obstruct or attempt to obstruct justice.

7 b. () threaten, injure, or intimidate a prospective witness or juror or
8 attempt to do so.

9 C. The Government ☒ is/ () is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

12 II.

13 A. ☒ The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. ☒ the appearance of the defendant as required.

16 ☒ and/or

17 2. ☒ the safety of any person or the community.

18 B. ☒ The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

20 III.

21 The Court has considered:

22 A. the nature and circumstances of the offense(s) charged, including whether the
23 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
24 victim or a controlled substance, firearm, explosive, or destructive device;

25 B. the weight of evidence against the defendant;

26 C. the history and characteristics of the defendant; and

27 D. the nature and seriousness of the danger to any person or to the community.
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IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V.

The Court bases the foregoing finding(s) on the following:

A. ☒ As to flight risk:

☐ Lack of bail resources

☐ Refusal to interview with Pretrial Services

☒ No stable residence ~~or employment~~

☐ Previous failure to appear or violations or probation, parole, or release

☐ Ties to foreign countries

☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

☒ Although defendant proposed an unjustified affidavit of surety, the connection of the affiant ^{to defendant} is unclear and only recent (one year). The Court finds that to be insufficient to reasonably assure defendant's appearance at future proceedings.

B. () As to danger:

☒ Nature of previous criminal convictions - ^{extensive history dating back over 25 years}

☒ Allegations in present charging document

☒ Substance abuse

☐ Already in custody on state or federal offense

☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

☐

1 C. () Defendant submitted to detention

2 VI.

3 A. () The Court finds that a serious risk exists that the defendant will:

4 1. () obstruct or attempt to obstruct justice.

5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

6 B. The Court bases the foregoing finding(s) on the following: _____

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12 VII.

13 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

14 B. IT IS FURTHER ORDERED that the defendant be committed to the custody
15 of the Attorney General for confinement in a corrections facility separate, to
16 the extent practicable, from persons awaiting or serving sentences or being
17 held in custody pending appeal.

18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
19 opportunity for private consultation with counsel.

20 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or
21 on request of any attorney for the Government, the person in charge of the
22 corrections facility in which the defendant is confined deliver the defendant to
23 a United States marshal for the purpose of an appearance in connection with
24 a court proceeding.

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27 DATED: 6/15/2017

28 Alex Mackinnon
ALEXANDER F. MacKINNON
UNITED STATES MAGISTRATE JUDGE